

EXHIBIT 1

Lynch ♦ Martin

830 Broad Street
Shrewsbury, New Jersey 07702

(732) 224-9400

(732) 224-9494 (Facsimile)

Co-Counsel for Plaintiff International Union of Operating Engineers, Local 68

International Union of Operating Engineers, Local No. 68,
Welfare Fund (an unincorporated trust)

Plaintiffs,

v.

AstraZeneca Pharmaceuticals LP; AstraZeneca LP;
AstraZeneca PLC; TAP Pharmaceutical Products Inc.;
Abbott Laboratories; Takeda Chemical Industries, Ltd.;
Zeneca, Inc.; Bayer AG; Bayer Corporation; Miles
Laboratories, Inc.; Cutter Laboratories, Inc.; Wyeth; Wyeth
Pharmaceuticals; Amgen, Inc.; Immunex Corporation;
Aventis Pharmaceuticals, Inc; Aventis Behring L.L.C.,
Hoechst Marion Roussel, Inc.; Centeon, L.L.C.; Armour
Pharmaceuticals; Baxter International Inc.; Baxter
Healthcare Corporation, Immuno-U.S., Inc.; Boehringer
Ingelheim Corporation; Ben Venue Laboratories, Inc.;
Bedford Laboratories; Roxane Laboratories, Inc.; Bristol-
Myers Squibb Company; Oncology Therapeutics Network
Corporation; Apothecon, Inc.; Fujisawa Healthcare, Inc.;
Fujisawa USA, Inc.; GlaxoSmithKline, P.L.C.; SmithKline
Beecham Corporation; Glaxo Wellcome, Inc.; Schering-
Plough Corporation; Warrick Pharmaceuticals
Corporation; Sicor, Inc.; Gensia Sicor Pharmaceuticals,
Inc.; Dey, Inc.; Novartis International AG; Pharmacia
Corporation; Pharmacia & Upjohn, Inc.; Monsanto
Company; G.D. Searle; Johnson & Johnson; Alza
Corporation; Centocor, Inc.; Ortho Biotech; Novartis
Pharmaceuticals Corporation; Sandoz; Alpha Therapeutic
Corporation; Does 1-50; ABC Corporations 1-50; and XYZ
Partnerships and Associations 1-50,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
MONMOUTH COUNTY

CIVIL ACTION NO.

CERTIFICATION OF
THOMAS P. GIBLIN,
ADMINISTRATIVE MANAGER.

THOMAS P. GIBLIN., by way of Certification in lieu of Affidavit says:

1. I am the Administrative Manager for the International Union of Operating Engineers,
Local No. 68 ("Local 68"), Welfare Fund. I have served in that capacity for over 30-years. As

such, I have personal knowledge of the facts set forth in this Certification.

2. Local 68 is a labor union that has approximately 5,800 stationary engineers that service, among other things, heating and cooling systems on a state-wide basis in New Jersey. Local 68 maintains a Taft-Hartley Welfare Fund that is subject to the requirements of the Employee Retirement Income Security Act, ("ERISA"), 29 U.S.C. §1101 *et seq.* Tax exempt contributions are made to the Welfare Fund by employers in accordance with express provisions of collective bargaining agreements that are signed by representatives of Local 68 and the employer. Local Union 68 designates trustees for those funds after they are collected from the employer.

3. When a Local 68 member visits a doctor for an injectable prescription drug, such as Zoladex, a claim is generated by the doctor for the patient. After treating a Local 68 member and administering the drug, the doctor submits the claim to Blue Cross / Blue Shield of New Jersey ("BC/BS") for reimbursement, which includes the cost for the prescription drug that was prescribed to the member. BC/BS then processes the claim and forwards payment directly to the doctor. BC/BS calculates the reimbursement for the doctor based upon the average wholesale price that is published in the Redbook, or other drug pricing compendia, based upon the type of drug.

4. After sending the reimbursements to the doctor, BC/BS generates a weekly bill and sends it to the Local 68 Welfare Plan. The bill itemizes the various costs incurred by BC/BS for reimbursing doctors for the cost of drugs, such as Zoladex, during that week. Local 68 then wires money from the Welfare Fund to BC/BS to pay for the costs of the drugs prescribed to the Local 68 member. Because Local 68 is a self-insured welfare fund, any manipulation to the price of Zoladex or other prescription drug is borne directly by the Local 68 Welfare Fund and the plan participants, who are required to make co-payments for drugs under the welfare plan.

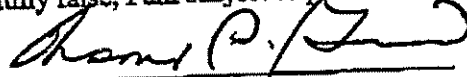
06/27/2003 13:44 FAX 732 224 9494

LYNCH MARTIN

461004

I hereby certify that the foregoing statements made by me are true. I am aware that if any
of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: June 30, 2003



THOMAS P. GIBLIN
Administrative Manager

EXHIBIT 2

KLINE & SPECTER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
THE NINETEENTH FLOOR
1525 LOCUST STREET
PHILADELPHIA, PENNSYLVANIA 19102

DONALD E. HAVILAND, JR.

215-772-1000

FAX: 215-772-1359

Direct Fax: 215-735-0957

Donald.Haviland@klinespecter.com

June 30, 2003

VIA FEDERAL EXPRESS

Kimberley Harris, Esquire
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017

Re: *International Union of Operating Engineers, Local No 68 Welfare Fund v. AstraZeneca Pharmaceutical, L.P. et al*

Dear Ms. Harris:

Enclosed please find courtesy copies of the following documents which were filed in the Superior Court of New Jersey, Monmouth County, today:

- A Class Action Complaint, in the matter to be known as International Union of Operating Engineers, Local No. 68 Welfare Fund vs. AstraZeneca Pharmaceuticals, LP, et al and
- An Order to Show Cause With Temporary Restraints, a Memorandum of Law and Certification of Donald E. Haviland, Jr., Esquire in Support Thereof, as well as a Proposed Form of Order.

These pleadings are being served upon you pursuant to the New Jersey Rules Governing Civil Practice, Rule 4:4-4. Kindly advise at your earliest convenience whether you will agree to accept service of the Complaint on behalf of the company (or companies) whom you represent in parallel federal court MDL litigation pending against such company (or companies).

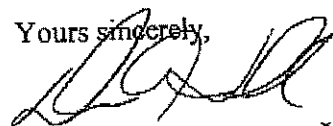
Pursuant to the direction of the Court, your clients, AstraZeneca, PLC, AstraZeneca Pharmaceuticals, LP, AstraZeneca, LP, and Zeneca, Inc. ("AstraZeneca") have until 2:00 p.m. Thursday, July 3, 2003 to respond to the Order to Show Cause with any proposed opposition to the same. The Show Cause hearing will be held on Monday, July 7, 2003 at 1:30 p.m.

KLINE & SPECTER
A PROFESSIONAL CORPORATION

Kimberly Harris, Esquire
DAVIS POLK & WARDWELL
June 30, 2003
Page 2

Please feel free to call me with any questions you have regarding the foregoing.

Yours sincerely,



DONALD E. HAVILAND, JR.

DEH/jn
Enclosures
cc: John Keefe, Jr., Esquire
Shanin Specter, Esquire

KLINE & SPECTER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

THE NINETEENTH FLOOR

1525 LOCUST STREET

PHILADELPHIA, PENNSYLVANIA 19102

DONALD E. HAVILAND, JR.

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Donald.Haviland@klinespecter.com

June 30, 2003

VIA FEDERAL EXPRESS

Michael Mustokoff, Esquire
DUANE MORRIS, LLP
One Liberty Place, Suite 4200
Philadelphia, PA 19103

Thomas P. McGonigle, Esquire
DUANE MORRIS LLP
1100 North Market Street, Suite 1200
Wilmington, Delaware 19801-1246

Re: *International Union of Operating Engineers, Local No 68 Welfare Fund v.
AstraZeneca Pharmaceuticals, L.P., et al*

Dear Counsel:

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- An Order to Show Cause With Temporary Restraints, a Memorandum of Law and Certification of Donald E. Haviland, Jr., Esquire in Support Thereof, as well as a Proposed Form of Order.

These pleadings are being served upon you pursuant to the New Jersey Rules Governing Civil Practice, Rule 4:4-4. Kindly advise at your earliest convenience whether you will agree to accept service of the Complaint on behalf of your client, Saad Antoun, M.D. whom you represent in his criminal proceedings.

Pursuant to the direction of the Court, Dr. Antoun has until 2:00 p.m. Thursday, July 3, 2003 to respond to the Order to Show Cause with any proposed opposition to the same. The Show Cause hearing will be held on Monday, July 7, 2003 at 1:30 p.m.

NE & SPECTER
PROFESSIONAL CORPORATION

Michael Mustokoff, Esquire
Thomas P. McGonigle, Esquire
DUANE MORRIS, LLP
June 30, 2003
Page 2

Please call me as soon as possible to discuss the foregoing.

Yours sincerely,



DONALD E. HAVILAND, JR.

DEH/jn
Enclosures
cc: John Keefe, Jr., Esquire
Shanin Specter, Esquire

KLINE & SPECTER
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Donald.Haviland@klinespecter.com

June 30, 2003

VIA CERTIFIED MAIL

To: All Counsel On The Attached Service List

Re: *International Union of Operating Engineers, Local No 68 Welfare Fund v. AstraZeneca Pharmaceuticals, L.P., et al*

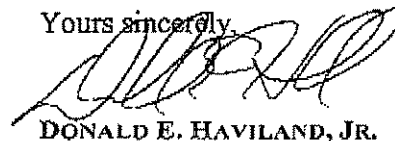
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Yours sincerely,



DONALD E. HAVILAND, JR.

DEH/jn

Enclosures

cc: John Keefe, Jr., Esquire
Shanin Specter, Esquire

SERVICE LIST

Re: *International Union of Operating Engineers, Local No 68 Welfare Fund*
v. AstraZeneca Pharmaceuticals, L.P., et al.

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Corp., Sandoz Pharmaceutical Corp.

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Dennis M. Duggan, Jr., Esquire
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National counsel for defendant,
Alpha Therapeutic Corp.

EXHIBIT 3

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

International Union of Operating
Engineers, Local No. 68 Welfare
Fund v. AstraZeneca PLC et al.
Civil Action No. 04-11503-PBS

**AFFIDAVIT OF D. SCOTT WISE IN
OPPOSITION TO PLAINTIFF'S MOTION FOR REMAND**

[illegible]

D. SCOTT WISE, being duly sworn, deposes and says:

1. I am a partner at the firm of Davis Polk & Wardwell, attorneys for defendant AstraZeneca Pharmaceuticals L.P. (“AstraZeneca”) in the above-captioned action (the “New Jersey Action”). I submit this affidavit in opposition to plaintiff’s Motion for Remand.
2. This action was removed to the United States District Court for the District of New Jersey on July 3, 2003. I am familiar with the facts and circumstances surrounding the removal.
3. Nearly all of the corporate defendants in the New Jersey Action are also defendants in the multidistrict litigation captioned *In re Pharmaceutical*

Industry Average Wholesale Price Litigation, MDL 1456 (“AWP MDL”), currently pending in this Court. Like the New Jersey Action, the AWP MDL is largely based upon factual allegations regarding the Average Wholesale Prices (“AWP”) for the Corporate Defendants’ products, as published in certain pharmaceutical pricing compendia.

4. On the morning of July 3, 2003, I sent an email to outside and in-house counsel for those pharmaceutical companies which are defendants in the AWP MDL. That e-mail was an inquiry about the New Jersey Action which ran as follows: “We do not believe that any company has at this point been properly served, but we need to verify this fact. Accordingly, we are asking each of you to inquire and determine whether you believe you have been properly served with process as of today. If you believe you have, please let me know whether you consent to removal.”
5. During the morning and throughout the day, numerous counsel responded to the e-mail. Over the course of the day, not one corporate defendant indicated through its counsel that plaintiff had properly served the complaint on that company.
6. Several corporate defendants listed in the complaint were entities that were not listed as defendants in the AWP MDL. Those corporate defendants were: Miles Laboratories, Inc., Cutter Laboratories, Inc., Centeon, LLC, Armour Pharmaceuticals, and Immuno-U.S., Inc. Plaintiff had not provided summons for these defendants or otherwise indicated who represented them.
7. At my direction, an associate at Davis Polk & Wardwell conducted an on-line search to determine if these five corporate entities had merged into other defendants or whether they were subsidiaries of other defendants.

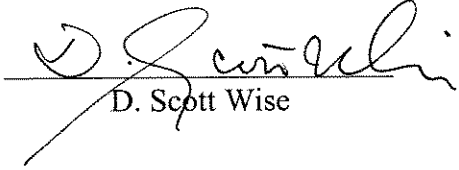
The associate learned that all of the five corporate entities which were researched had been acquired by other defendants.

8. A Davis Polk & Wardwell associate noticed that one of the summons for Defendant Sanofi-Synthelabo Inc. listed an in-house attorney, John M. Spinnato (Vice President and General Counsel), as the counsel of record. On July 3, 2003, the associate called Mr. Spinnato to inquire if Sanofi-Synthelabo Inc. had been properly served. Mr. Spinnato told the associate that his company had not been properly served and, in addition, asked the associate to forward him a copy of the complaint as neither he nor other members of the legal department were aware of it.
9. At or around 10:45 a.m., a Davis Polk & Wardwell associate telephoned Jack Fernandez, Esq., whom plaintiff described as “national counsel” for defendant, Stanley C. Hopkins, M.D. in his summons. That associate reported to me that, when he asked Mr. Fernandez whether his client had been properly served, Mr. Fernandez told him that he did not believe that that was the case.
10. Shortly after his telephone conversation with Mr. Fernandez, the associate telephoned Terry Sherman, Esq., whom plaintiff described as “national counsel” for defendant Robert A. Berkman, M.D. in his summons. The associate reported to me that, like Mr. Fernandez, when asked whether his client had been properly served with the complaint, Mr. Sherman stated that he did not believe that proper service had been achieved. Indeed, the associate reported to me that Mr. Sherman did not seem aware of the complaint at all and asked the associate several questions about it.
11. On July 3, 2003, I telephoned Michael Mustokoff, Esq., whom plaintiff described as “national counsel” for defendant Saad Antoun, M.D. in his

summons, to inquire about service. I was informed that Mr. Mustokoff was not available because he was out of the office for a trial.

12. By the e-mail and telephone communications described above, counsel for AstraZeneca conducted a reasonable investigation into whether any defendant had been properly served.

13. Based on the absence of any evidence regarding service, I had no reason to believe that any defendant was properly served by plaintiff as of July 3, 2003.


D. Scott Wise

Sworn to before me this
4th day of May, 2005.


Notary Public

LORETTA RUTIGLIANO
NOTARY PUBLIC, State of New York
No. 24-4996612
Qualified in Kings County
Cert. Filed in New York County
Commission Expires May 18, 20 06